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PART-I B

Notifications by Commissioners and Deputy Commissioners

DEPUTY COMMISSIONER, KATHAL

Order

The 11th July, 2023

No. 1073-84/LFA.— The General Election of Municipal Council, Kathal was held on 19-06-2022 and the result of the elected candidates was declared on 22-06-2022.

2. Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 13F of the Haryana Municipal Act, 1973 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2022/549, dated 21-03-2022 in exercise of powers vested under clause (i) Article 243ZA of the Constitution of India, Sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Council, Kathal and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commissioner, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Deputy Commissioner Concerned, *vide* order No. SEC/3ME/2023/304-446 dated 07-03-2023 to decide the case of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

6. As reported by Executive Officer Municipal Council Kathal, the following candidates had contested the election of Municipal Council, Kathal held on 19-06-2022 but failed to submit their election expenditure account:-

Sr. No.	Name of Candidate	Father/Husband Name	Ward No.
1.	Suman w/o	Sh. Kuldeep Kumar	06
2.	Ashu w/o	Sh. Dinesh Kumar	04
3.	Hoshiyar Singh s/o	Sh. Anant Ram	23
4.	Pooja w/o	Sh. Ashok Kumar	06
5.	Bhushan Kumar s/o	Sh. Khem Chand	07
6.	Gourav Mittal s/o	Sh. Mohan Lal	22

7. This office had served a showcause notice upon them to explain as to why they should not be disqualified on account of non submission of their election expenditure account within the period. Candidate Serial No. 1 submitted her reply, rest five candidates neither submitted their reply nor submitted their election expenditure statement. Candidate Serial No. 1 mentioned in her reply that she had submitted her election expenditure register but she has not produce any receipt/document in favour of her reply. I, had given an opportunity of personal hearing on 20-06-2023 to all above mentioned candidates in the office of Deputy Commissioner Mini Secretariat Kaithal in the interest of natural justice. Sh. Balvinder, Helper, Municipal Council, Kaithal was present during hearing who has submitted a copy of letter dated 07-06-2023 *vide* which the notice of personal hearing were delivered to the said candidates. It has been delivered in person or through their family members.

8. In above mentioned Candidates Serial No. 1 to 3 appeared before me, rest three candidates from serial No. 4 to 6 neither appeared before me nor filed any representation. Contesting candidates Serial No. 2 and 3 submitted their representation at the time of hearing. Candidate Serial No. 2 submitted that she will deposit her related document but till today she has not submitted any type of document. Candidate Serial No. 3 has submitted in his representation that due to lost of expenditure register, he could not submitted required record. Representation filed by candidates from Serial No. 1 to 3 is not satisfactory and they have not submitted their expenditure account. Therefore, it can be concluded that the above noted candidates deserve to be disqualified. Hence, I, Jagdish Sharma, I.A.S. Deputy Commissioner, Kaithal, hereby ordered that all the above six candidates are disqualified under Section 13F of the Haryana Municipal Act, 1973 for being chosen as and for being a member of Municipality for a period of five years from the date of this order.

9. The office is directed to send a copy of this order to the candidate concerned through Executive Officer Municipal Council Kaithal immediately.

Kaithal:
The 28th June, 2023.

JAGDISH SHARMA,
Deputy Commissioner, Kaithal.